

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael Slivka et al. Confirmation No. 7650
Serial No. : 10/676,868 Art Unit: 1651
Filed : September 30, 2003 Examiner: L.B. Lankford, Jr.
For : METHODS FOR TREATMENT OF DEFECTS IN THE
INTERVERTEBRAL DISC

CERTIFICATE OF ELECTRONIC FILING	
I hereby certify that this correspondence is being transmitted via The Office Electronic Filing System in accordance with 37 CFR 1.6(a)(4).	
February 27, 2008	Theodore J. Shatynski
<u>Date of Transmission and Signature</u>	<u>Name of Applicant, Assignee, or Registered Representative</u>
/Theodore J. Shatynski/	
Signature	

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: BOARD OF PATENT APPEALS AND INTERFERENCES

RESPONSE TO NOTIFICATION OF NON-COMPLIANT

APPEAL BRIEF (37 C.F.R. 41.37)

Dear Sir:

This is in response to the Notification of Non-Complaint Appeal Brief mailed February 14, 2008 for which a response is due by March 14, 2008. Accordingly, this response is timely filed.

S.N. 10/676,868
DEP-5170USNP
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This response identifies the status of all claims on appeal as follows:

3. **STATUS OF CLAIMS**

3.1 Claims 1, 4-12 and 14-41 stand rejected under 35 U.S.C. §112 as failing to comply with the enablement requirement. Claims 1, 4-12, and 14-41 are being appealed.

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DEP-5170USNP

Reconsideration of this appeal in view of the appropriate correction is respectfully requested.

The Commissioner is hereby authorized to charge the fees required under 1.171(f) for any additional fees which may be required, or credit any overpayment to Account No. 10-0750/DEP-5170USNP/TJS.

Respectfully submitted,

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Theodore J. Shatynski
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